



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

AK

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,932	09/27/2001	Jay Paul Drummond	D-1147 R2	5057

28995 7590 08/25/2003

RALPH E. JOCKE
231 SOUTH BROADWAY
MEDINA, OH 44256

EXAMINER

NGUYEN, KIMBERLY D

ART UNIT	PAPER NUMBER
----------	--------------

2876

DATE MAILED: 08/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/966,932

Applicant(s)

DRUMMOND ET AL.

Examiner

Kimberly D. Nguyen

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Amendment

1. Acknowledgement is made of Amendment filed 7 July 2003.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 4-5, 8-9 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Gutman et al. (US 5,221,838; hereinafter "Gutman").

Gutman teaches a method comprising:

receiving with an automated banking machine a wireless message representative of a request to establish a wireless connection with a portable wireless device 100 (fig. 1; col. 3, lines 46-68);

establishing the wireless connection between the banking-machine/central-financial-computer and the portable wireless device 100 (fig. 1; col. 4, lines 35-54);

receiving through the wireless connection a second message from the portable wireless device representative of a request to perform a transaction with the banking machine (figs. 2A-2, 5C-5E; col. 3, lines 59-68; col. 8, line 43 through col. 9, line 9; col. 14, lines 17-67);

authorizing the transaction through communication between the banking machine and a remote host system (figs. 5C-5E; col. 7, line 41 through col. 8, line 18; col. 9, lines 10-44; col. 14, lines 17-67);

Art Unit: 2876

sending from the banking machine through the wireless connection to the portable wireless device an authorization confirmation message (fig. 6A, item 612; col. 16 through col. 17, line 38);

receiving through the wireless connection from the portable wireless device a commit transaction message (fig. 6A, item 612; col. 16 through col. 17, line 38); and

completing the authorized transaction through operation of the banking machine (fig. 9; col. 17, line 48 through col. 18, line 2).

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 16-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Waller.

Waller teaches an apparatus comprising:

an automated banking machine including a computer 12;

Art Unit: 2876

at least one transaction function device in the banking machine 14, wherein the banking machine includes a cash dispenser 32, and in operative connection with the computer; and a wireless access hub 62 in operative connection with the computer, where the wireless hub 62 enables the machine to communicate with a plurality of portable wireless devices 26, wherein the computer is operative to enable the plurality of portable wireless devices to initiate a plurality of transactions with the banking machine at about a same time (figs. 1-6; paragraphs 16, 57-68).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3, 6-7, 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gutman in view of Waller et al. (US 2001/0051922; hereinafter "Waller"). The teachings of Gutman have been discussed above.

Re claims 3, 6-7: Gutman is silent with respect to the identification code, which is biometric.

Waller teaches wireless cash-dispensing ATM system having a cash dispenser 32, wherein the identification value corresponds to at least one biometric input (figs. 3-7; paragraphs 21-34).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the notoriously old and well known ATM system using

Art Unit: 2876

biometric input information as taught by Waller to the teachings of Gutman in order to prevent an unauthorized personnel from accessing the data/card system, if that individual does not have the specific biometric input information. Accordingly, such modification would provide Gutman with a more secure system to ensure only authorized personnel with a proper biometric information to using the system.

Re claims 10-14: Waller teaches an ATM system, wherein a user 70 approaches the ATM 14a to withdraw cash (fig. 5; paragraphs 63 and 68) and a host transceiver 122 conveys a message to the user advising the user that his/her cash is about to be dispensed, advising the user the transaction charge and requesting for confirmation of the transaction via the user's cell phone 126 (figs. 7-8; paragraphs 76-77).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the user approaching the ATM for cash withdrawing, a message prompting the user of his/her cash is about to be dispensed, etc. via his/her cell phone as taught by Waller in order to modify Waller's teachings for different uses/purposes, such as, prompting the user to approach/move-adjacent to the banking-machine/ATM via the cell phone to further prompt/guide the user of a essential on-going process. Such modification would have been an obvious expedient.

8. Claims 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waller in view of Gutman. The teachings of Waller have been discussed above.

Re claims 18-19: Waller teaches an ATM system, wherein a user 70 approaches the ATM 14a to withdraw cash (fig. 5; paragraphs 63 and 68) and a host transceiver 122 conveys a message to the user advising the user that his/her cash is about to be dispensed, advising the user

Art Unit: 2876

the transaction charge and requesting for confirmation of the transaction via the user's cell phone 126 (figs. 7-8; paragraphs 76-77).

Waller is silent with respect to the apparatus, wherein when at least two of the portable wireless devices initiate transactions that require the operation of one transaction function device, the computer is operative to cause outputs to be generated from at least one output device to sequentially prompt users of the at least two portable wireless devices initiating the transactions.

Gutman teaches transaction system, wherein at least two of the portable devices 540, 546 (fig. 5E) initiate transactions that require the operation of one transaction function device, the computer 544 is operative to cause outputs to be generated from at least one output device to sequentially prompt the users of the portable device 100 (by paging) the at least two portable devices initiating the transactions (figs. 3, 5E and 6A-6D; col. 9, line 67 through col. 10, line 14; col. 16, lines 1-64).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the plurality of portable devices initiate transactions as taught by Gutman to the teachings of Waller in order to provide instant communications between a plurality of portable devices and their host to further provide a versatile and compact cellular-phone/banking system, which provide greater convenience to the users for carrying a single device rather than a plurality of devices. Accordingly, such modification would have been an obvious extension as taught by Waller, and therefore an obvious expedient.

Re claims 20-21: Waller teaches an apparatus, wherein the computer is operative to cause the one transaction function device to operate responsive to receipt by the banking machine of a

Art Unit: 2876

second wireless message from the first portable wireless device, wherein the second message is representative of an input to the first portable wireless device indicative of a request to operate the one transaction function device (paragraphs 65 and 75-77).

Re claim 22: Waller teaches an apparatus, wherein the identifying device includes a biometric sensor/reader (paragraphs 24 and 79).

9. Claims 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waller.

Waller teaches a method comprising:

sending with a portable wireless device a first message representative of a request to establish a wireless connection with an automated banking machine (fig. 1; paragraph 16);

establishing the wireless connection between the portable wireless device and the banking machine (fig. 1; paragraph 16);

sending through the wireless connection a second message from the portable wireless device to the banking machine representative of a request to perform a transaction with the banking machine (fig. 1; paragraph 18);

sending from the portable wireless device through the wireless connection a fourth message to the banking machine representative of a request for the machine to operate a transaction function device (paragraphs 76-77).

Although, Waller does not specifically teach a message from the banking machine to request the user to move adjacent to the machine; Waller teaches a message from the banking machine representative advising the user of his/her cash to be dispensed via the user's cell phone 126 (fig. 5; paragraph 76).

Art Unit: 2876

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate a message prompting the user of his/her cash is about to be dispensed, etc. via his/her cell phone as taught by Waller in order to modify Waller's teachings for different uses/purposes, such as, prompting the user to approach/move-adjacent to the banking-machine/ATM via the cell phone to further prompt/guide the user of a essential on-going process. Such modification would have been an obvious expedient.

10. Claims 28-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gutman in view of Waller.

Claims 28-30 and 34-35: Gutman teaches a method comprising:

a) establishing a wireless connection between a financial institution and a portable wireless device (col. 3, lines 46-68);

b) receiving with the financial institution through the wireless connection at least one first message from the portable wireless device representative of a transaction from the financial institution (fig. 1; col. 3, lines 46-68);

c) authorizing the transaction through communication between the financial institution 522 and a remote host system 524 (figs. 5C-5E; col. 7, line 41 through col. 8, line 18; col. 9, lines 10-44; col. 14, lines 17-67);

d) responsive to step (c) sending from the financial institution through the wireless connection to the portable wireless device at least one second message that is operative to cause the portable wireless device to prompt a user of the portable wireless device to provide at least one input (i.e., password, type of transaction and/or details of the transaction etc.; see figs. 6A-6D; col. 7, lines 64-68; and col. 16, line 39 through col. 17, line 38);

Art Unit: 2876

e) receiving with the financial institution at least one third message generated in response to the at least one input provided by the user (i.e., password, type of transaction and/or details of the transaction etc.; see figs. 6A-6D; col. 7, lines 64-68; and col. 16, line 39 through col. 17, line 38); and responsive to the at least one third message (i.e., the controller 205 may continue to determine the appropriate action necessary for the transaction; see col. 16, line 65 through col. 17, line 38).

Although, Gutman teaches a banking method for a financial-institution/automated-banking-machine, Gutman fails to teach or fairly suggest the financial-institution/automated-banking-machine is an ATM machine and the step of (f) dispensing cash from the ATM.

Waller teaches an wireless ATM machine comprising a cash dispenser 32 for dispensing cash from the ATM (figs. 1-6; paragraphs 1, 11, 16, and 57-68).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to further employ a wireless ATM machine with cash dispensing functionality as taught by Waller to the teachings of Gutman, in addition to Gutman's transaction system, due to the fact that the user can also complete his/her transaction at the ATM machine without physically walking into the bank facility. Thus, such modification would provide Gutman with a more flexible and/or versatile system to accommodate the user of utilizing the bank facility, the ATM machine, kiosk, etc.

Re claims 31-33: Waller teaches an ATM system, wherein a user 70 approaches the ATM 14a to withdraw cash (fig. 5; paragraphs 63 and 68) and a host transceiver 122 conveys a message to the user advising the user that his/her cash is about to be dispensed, advising the user

Art Unit: 2876

the transaction charge and requesting for confirmation of the transaction via the user's cell phone 126 (figs. 7-8; paragraphs 76-77).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the user approaching the ATM for cash withdrawing, a message prompting the user of his/her cash is about to be dispensed, etc. as recited in the claims via his/her cell phone as taught by Waller to the teachings of Gutman in order to provide different uses/purposes to assist users, such as, prompting the user to approach/move-adjacent to the banking-machine/ATM via the cell phone to further prompt/guide the user of a essential on-going process and other marketing purposes. Such modification would have been an obvious expedient, well within the ordinary skill in the art, to provide Gutman with a more user friendly system wherein the operator/user will be prompt to attend the transaction system when his/her transaction is completed.

Response to Arguments

11. Applicants' arguments with respect to claims 28-35 have been considered but are moot in view of the new ground(s) of rejection.

12. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "Gutman does not disclose or suggest that central financial computers are ATMs (see page 20, lines 12-13)) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Art Unit: 2876

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 703-305-1798. The examiner can normally be reached on Monday-Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 703-305-3503. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-8792.

KDN


MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800